

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

OCT 02 2017

BY _____
DEPUTY CLERK

IN THE MATTER OF THE SEARCH OF
THE CELLULAR TELEPHONE
ASSIGNED CALL NUMBER (615) 970-
0133

UNDER SEAL

No. 17 MJ 1132

MOTION TO DELAY NOTIFICATION

In August 2017, Magistrate Judge Holmes granted an Application by the United States for an Order pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. 2703(c)(1)(a), authorizing agents of the Federal Bureau of Investigation to ascertain the physical location of the above cellular telephone for a period of thirty (30) days. Pursuant to that Order, this Court ordered, pursuant to 18 U.S.C. 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), service of notice may be delayed for a period of 30 days after the termination of the monitoring period authorized by the warrant. Therefore, the time to provide notification expires on October 2, 2017.

The FBI's investigation into the user of the phone remains ongoing. If the user of the phone becomes aware of the investigation, he may then alert other co-conspirators and they may then destroy evidence and/or attempt to flee prosecution.

The United States requests that this Court find that there continues to be reasonable cause to believe that providing notification may have an adverse effect (as defined in Title 18, U.S.C. Section 2705(a)(2)) and that this Court, pursuant to Title 18, U.S.C. Section 3103a(c), grant an

extension of the delayed notification for an additional 81 days (the limit is 90 days) from October 2, 2017, making the notice not due until December 22, 2017. The United States further requests that all filings in this matter remain under seal until this Court orders them unsealed. A proposed order is included with this Motion.

Dated: October 2, 2017

Respectfully submitted,

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